

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 21, 2022

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GABRIEL ECKARD,

Plaintiff,

v.

C/O ARNRICH and C/O
TOWNSEND,

Defendants.

NO: 4:22-CV-05008-RMP

ORDER DENYING LEAVE TO
PROCEED *IN FORMA PAUPERIS*
AND DISMISSING ACTION

On February 17, 2022, the Court directed Plaintiff Gabriel Eckard, a *pro se* prisoner at the Washington State Penitentiary, to show cause within thirty (30) days why the Court should grant his application to proceed *in forma pauperis*. ECF No. 8 at 4. In the alternative, Plaintiff could have paid the \$402.00 filing fee. *Id.* Plaintiff did not comply with these directives and has filed nothing further in this action.

Liberally construing this action in the light most favorable to Plaintiff, the Court finds that he was failed to overcome the preclusive effects of 28 U.S.C. §

ORDER DENYING LEAVE TO PROCEED *IN FORMA PAUPERIS* AND
DISMISSING ACTION -- 1

1 1915(g). *See O'Neal v. Price*, 531 F.3d 1146, 1153 (9th Cir. 2008). Because
2 Plaintiff did not avail himself of the opportunity to pay the \$402.00 filing fee, he
3 may not proceed with this action.

4 Accordingly, **IT IS HEREBY ORDERED:**

5 1. Plaintiff's application to proceed *in forma pauperis*, **ECF No. 2**, is
6 **DENIED.**

7 2. This action is **DISMISSED WITHOUT PREJUDICE** for non-
8 payment of the filing fee as required by 28 U.S.C. § 1914.

9 3. All pending motions are **DENIED AS MOOT.**

10 4. The District Court Clerk shall **CLOSE** the file.

11 5. The Court certifies any appeal of this dismissal would not be taken in
12 good faith.

13 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
14 Order, enter judgment, and provide copies to Plaintiff.

15 **DATED** March 21, 2022.

16
17 s/ Rosanna Malouf Peterson
18 ROSANNA MALOUF PETERSON
19 Senior United States District Judge
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